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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,101	03/13/2000	Andrew Roy Buchman	EX00-015	6972

23500

7590

09/26/2002

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EXAMINER

TAYLOR, JANELLE

ART UNIT

PAPER NUMBER

1634

DATE MAILED: 09/26/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

### DETAILED ACTION

1. The amendment filed on January 7, 2002 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because claim 4, from which all the other pending claims depend, is drawn to non-elected sequences. Since Applicant elected ONLY SEQ ID NOS: 1 and 2 in paper #7, filed August 13, 2001, and since the amendment in paper #10 cancels all claims drawn to anything but SEQ ID NOS: 23-32, the amendment is non-responsive.

Furthermore, it is noted that dependent claims 3 and 7 recite SEQ ID NOS: 1 and 2 along with other sequences. However, these claims depend from non-elected claim 4, and recite the isolated nucleic acid molecule of claim 4, which is the non-elected sequences. It is suggested that Applicant cancel claims drawn to non-elected subject matter, or replace non-elected sequences with either SEQ ID NO:1 or 2 in order to be responsive to the restriction requirement.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

### Conclusion

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Any inquiries of a general nature relating to this application, including information on IDS forms, status requests, sequence listings, etc. should be directed to the Patent Analyst, Chantae Dessau, whose telephone number is (703) 605-1237.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janell Taylor Cleveland, whose telephone number is (703) 305-0273.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached at (703) 308-1152.

Papers related to this application may be submitted by facsimile transmission. Papers should be faxed to Group 1634 via the PTO Fax Center using (703) 872-9306 or 872-9307 (after final). The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG (November 15, 1989.)

Janell Taylor Cleveland

September 18, 2002

  
W. Gary Jones  
Supervisory Patent Examiner  
Technology Center 1600